

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

FOR AUGUST 16, 2006

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **August 16, 2006** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Acting Chief Executive Ted Bury.

ROLL CALL

8 present, 3 absent. Commissioners Dunlap, Fay and O'Leary were excused.

PRAYER

Commissioner Lee led the commissioners in prayer.

APPROVAL OF THE MINUTES OF THE AUGUST 2, 2006 REGULAR MEETING

It was moved by Commissioner Sorich, seconded by Commissioner Walker and carried by a unanimous verbal vote to approve the Minutes of the August 2, 2006 Regular Meeting.

ITEMS NOT ADDRESSED ON THE AGENDA – SUSPENSION OF THE RULES

Commissioner Sorich moved that in accordance with the provisions of subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the Council rules be suspended to allow Resolution 06-71 and 06-72 to be added to the agenda of tonight's meeting for advanced passage without reference to the Judiciary Committee. The motion was seconded by Commissioner Sheehy and carried with a roll call vote of 8 yeas, 0 nays and 3 absent.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE'S REPORT

The Commission was apprised of the Council Secretary, Helen Walsh's automobile accident.

It was determined that the special meeting to be held August 21, 2006 to pass the final budget for Butte-Silver Bow for fiscal year 2006-2007 would be held at 5:15 p.m. The date and time for the special meeting to pass the School budget for fiscal year 2006-2007 was set for August 28, 2006. (Changed On August 17, 2006 to be held on August 30, 2006)

The untimely death of Mike Venner was mentioned and the fact that he would be missed by the community as he was involved in many community activities.

Mr. Bury also stated that with additional law enforcement staff the County Attorney's office would also need additional staff.

SECTION I

PRESENTATION

COMMUNICATION NO. 06-519

Jeffrey L. Miller Director of Fire Services, requesting time on the August 16, 2006 meeting agenda to make a presentation.

Jeffrey L. Miller Director of Fire Services gave a PowerPoint presentation. His presentation was to enhance the awareness of operations of the fire department and to request consideration for identified needs. He stated it was too late for this year's budget but felt he needed to address the issues. He also gave a presentation on the new aerial apparatus that will be on the November election ballot for approval.

After lengthy discussion by the Council of Commissioners the wording on the bond issue will include the language that if less money was required to purchase aerial engine, then that would be the amount of additional tax to the taxpayers. Bud Walker requested budget be amended to give fire services two additional firefighters. Jeff Amerman stated it was the Council decision but the money would have to come from the reserves and it would just delay a tax levy for this amount for one year. It was moved by Commissioner Kerns and seconded by Commissioner Mulcahy to amend the budget to add 2 new firefighters from the reserves (\$100,000) and carried by a roll call vote of 8 yeas, 0 nays and 3 absent. It was moved by Commissioner Sorich, seconded by Commissioner Coleman and carried by a unanimous verbal vote to place Communication No. 06-519 on file.

SECTION II

PRESENTATION

COMMUNICATION NO. 06-529

Paul David Babb, Chief Executive requesting time on August 16, 2006 agenda for report by Ed Randall of BSB Health Department on inventory owned by Beanie Parks at 16 Tobbogan Street, Walkerville.

Dan Powers Environmental Health Director, gave short background on the circumstances of this issue - Butte-Silver Bow owns the structure, Beanie Parks owns the property. Parks has been served twice to remove his belongings from the structure and has had more than 1 ½ years to clean up.

Mr. Powers listed the inventory which was photographed as well as video taped by himself and three other BSB staff.

After discussions by Council as to where it would be stored, what is the liability and the County Attorney's statement that Mr. Parks and his attorney have been invited to attend the August 30 meeting to address this issue, It was moved by Commissioner O'Leary, seconded by Commissioner Coleman and carried by a unanimous verbal vote to hold Communication No. 06-484 in abeyance and address August 30, 2006.

At this time the acting Chief Executive called for a five-minute recess.

The meeting was called back to order with a roll call of 8 present and 3 absent.

SECTION III

PUBLIC HEARING

FOR THE PURPOSE OF ADOPTING THE FINAL BUDGET FOR FY 2006-2007 AND FIXING THE NECESSARY TAX LEVIES. (Communication 06-473) Proof of publication. (Communication No. 06-473 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Finance and Budget Director discussed changes to date (addendum A) and \$100,000 added tonight for 2 firefighters (to be paid out of reserves). Jeff also discussed the value of the mills and the related increase in taxes to property owners.

Acting Chief Executive Bury opened the public hearing at 8:35 PM and called for any proponents. On the third and final call there being none, he called for opponents. Again there was no response. The public hearing was continued until August 21, 2006 special meeting.

SECTION IV

CONSENT AGENDA

- A.
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. PETITIONS

- 1. 06-7 A petition to close and vacate the alley within the 600 block of South Idaho and South Washington Streets. Recommendation: ***refer to Public Works Department.***

C. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Acting Chief Executive Bury called for any segregation. Commissioner Frasz called for segregation of Communication No. 06-515.

It was moved by Commissioner Sorich seconded by Commissioner Sheehy for approval of the Consent Agenda, Section A, Items 1 through 4 and Section B, and Section C, Items 1 through 21 exclusive of item 7.

SECTION V

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 06-7 ORDINANCE NO. 06-7

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010 (a), (i), (m) AND (w) OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT TRAFFIC ALONG ALUMINUM STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF ALUMINUM AND WESTERN AVENUE; PROVIDING THAT TRAFFIC PROCEEDING ALONG ARIZONA STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF ARIZONA STREET AND MOTOR VUE ROAD; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IRON STREET AND WESTERN AVENUE; PROVIDING THAT TRAFFIC PROCEEDING ALONG MONTROSE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF MONTROSE STREET AND ALUMINUM STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG WASHOE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF WASHOE STREET AND DEWEY BOULEVARD; PROVIDING THAT TRAFFIC PROCEEDING ALONG WEST SIDE BOULEVARD SHALL STOP BEFORE ENTERING THE INTERSECTION OF WEST SIDE BOULEVARD AND OPHIR STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG WEST SIDE BOULEVARD SHALL STOP BEFORE ENTERING THE INTERSECTION OF WEST SIDE BOULEVARD AND WESTERN AVENUE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 06-69

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOT 6 IN BLOCK 1 OF THE CENTERVILLE LODE (PARCEL #1906070) IN SECTION 12, TOWNSHIP 3 NORTH, RANGE 8 WEST, OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 06-70

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS TRACT A, CERTIFICATE OF SURVEY 818B, (Parcel No. 1903000) OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONER AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 06-73

A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO CREATE A SPECIAL LIGHTING DISTRICT, TO BE KNOWN AS SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1026, FOR THE PURPOSE OF DIRECTING, EQUIPPING, MAINTAINING, AND INSTALLING AN ELECTRICAL LIGHTING SYSTEM; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED

SECTION VI

**ORDINANCES AND RESOLUTIONS –
FINAL READING**

4. COUNCIL RESOLUTION NO. 06-65

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT PORTION OF RADIUM STREET BETWEEN BLOCKS 1 AND 2 OF THE BLACK PLACER ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays, and 3 absent to place Council Resolution No. 06-65 on final reading and passed having been deemed fully read at length.**

5. COUNCIL RESOLUTION NO. 06-66

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE PINE RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays, and 3 absent to place Council Resolution No. 06-66 on final reading and passed having been deemed fully read at length.**

6. COUNCIL RESOLUTION NO. 06-67

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE GODTLAND MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays, and 3 absent to place Council Resolution No. 06-67 on final reading and passed having been deemed fully read at length.**

7. COUNCIL RESOLUTION NO. 06-68

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE LAKESHORE DEVELOPMENT #8 – PHASE I OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Sheehy and carried by a roll call vote of 8 yeas, 0 nays, and 3 absent to place Council Resolution No. 06-68 on final reading and passed having been deemed fully read at length.**

SECTION VII

**ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES**

1. COUNCIL RESOLUTION NO. 06-71

A RESOLUTION DIRECTING THE ELECTION ADMINISTRATOR TO PUT THE QUESTION OF APPROVING A GENERAL OBLIGATION BOND ISSUE IN THE AMOUNT OF \$1,100,000.00 FOR THE PURCHASE OF A NEW AERIAL LADDER FIRE TRUCK ON THE BALLOT FOR VOTER APPROVAL AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Walker and carried by a roll call vote of 8 yeas, 0 nays and 3 absent for suspension of the rules for the purpose of passing Council Resolution No. 06-71 by waiving subsection 7 of Rule XXXVI, of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.**

2. COUNCIL RESOLUTION NO. 06-72

A RESOLUTION CALLING FOR AN ELECTION ON THE IMPOSITION OF 33.79 MILL LEVY TO RAISE \$1,575,000.00 ANNUALLY FOR LAW ENFORCEMENT PURPOSES TO HIRE ADDITIONAL EMPLOYEES, CONDUCT TRAINING AND PURCHASE EQUIPMENT, BEGINNING IN FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner Sorich, seconded by Commissioner Walker and carried by a roll call vote of 8 yeas, 0 nays and 3 absent for suspension of the rules for the purpose of passing Council Resolution No. 06-72 by waiving subsection 7 of Rule XXXVI, of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.**

The meeting adjourned at 9:05 P.M.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER